



Atty. Dkt. No. 023533-0113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Lawrence E. CORNETT et al.

Title: RECOMBINANT BETA2-ADRENERGIC RECEPTOR DELIVERY AND USE  
IN TREATING AIRWAY AND VASCULAR DISEASES

Appl. No.: 09/783,580

Filing Date: 02/15/2001

Examiner: Scott David Priebe

Art Unit: 1632

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.



### TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

### RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

*Michael M. Mohr*  
Reg. No. 34,717

By \_\_\_\_\_

Date Oct 16, 2003

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OCT 16 2003

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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Substitute for form 1449 BY PTO  
INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT

Date Submitted: October 16, 2003  
(use as many sheets as necessary)

Sheet 1 of 1

**Complete if Known**

Application Number	09/783,580
Filing Date	02/15/2001
First Named Inventor	Lawrence E. CORNETT
Group Art Unit	1632
Examiner Name	Scott David Priebe

Attorney Docket Number 023533-0113

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A1	Chow et al., "Development of an epithelium-specific expression cassette with human DNA regulatory elements for transgenic expression in lung airways," <i>Proc. Natl. Acad. Sci. USA</i> , Vol. 94, pp. 14695-14700, December 1997 © The National Academy of Sciences.	
	A2	Chow et al., "Targeting Transgene Expression to Airway Epithelia and Submucosal Glands, Prominent Sites of Human CFTR Expression," <i>Molecular Therapy</i> , Vol. 2, No. 4, October 2000, © The American Society of Gene Therapy.	
	A3	Strayer et al., 'Targeting Type II and Clara Cells for Adenovirus-mediated Gene Transfer Using the Surfactant Protein B Promoter,' <i>Am. J. Respir. Cell Mol. Biol.</i> , Vol. 18, pp. 1-11, 1998.	
	A4	Venhatesh et al., "Characterization of the promoter of human pulmonary surfactant protein B gene," <i>Amer. J. Physiol.</i> , 268:L674-L682 (1995), © American Physiological Society.	
	A5	Weidenfeld et al., "The WNT7b Promoter Is Regulated by TTF-1, GATA6, and Foxa2 in Lung Epithelium," <i>The Journal of Biological Chemistry</i> , Vol. 277, No. 23, pp. 21061-21070, June 7, 2002, © The American Society for Biochemistry and Molecular Biology, Inc.	
	A6	Foster et al., "Positive and Negative cis-Acting Regulatory Elements Mediate Expression of the Mouse Vascular Smooth Muscle α-Actin Gene," <i>The Journal of Biological Chemistry</i> , Vol. 267, No. 17, pp. 11995-12003, June 15, 1992, © The American Society for Biochemistry and Molecular Biology, Inc.	
	A7	Aiuti, et al., "Correction of ADA-SCID by Stem Cell Gene Therapy Combined with Nonmyeloablative Conditioning," <i>Science</i> , Vol. 296, pp. 2410-2413, June 28, 2002.	
	A8	Stripp et al., "cis-Acting Elements That Confer Lung Epithelial Cell Expression of the CC <sub>10</sub> Gene," <i>The Journal of Biological Chemistry</i> , Vol. 207, No. 21, pp. 14703-14712, July 1992, © The American Society for Biochemistry and Molecular Biology, Inc.	

Examiner Signature

Date Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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